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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,014	12/19/2001	Holger Janssen	1882	3598
7590 09/22/2005 STRIKER, STRIKER & STENBY 103 East Neck Road Huntington, NY 11743			EXAMINER SENF, BEHROOZ M	
			ART UNIT 2613	PAPER NUMBER

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/025,014

Applicant(s)

JANSSEN, HOLGER

Examiner

Behrooz Senfi

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26 - 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 11, 2005 has been entered.

### ***Response to Amendment***

2. Applicant's arguments (filed 7/11/2005) have been considered but are moot in view of the new ground(s) of rejection.

Applicant canceled claims 19 – 25.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 26, 30, 31, 37 - 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Heimann et al (US 5,948,042).

Regarding claim 26, Heimann '042 discloses, "a method of producing road or street section data for a digital map" (i.e. fig. 1) comprising, "providing a vehicle with an image producing device and position determining device" (i.e. vehicle 11 with video

camera, col. 4, lines 38 – 39 and GPS) and “means for generating image data of surroundings of the vehicle and position determining device, means for generating position of the vehicle” (i.e. abstract, col. 6, lines 25+, col. 2, lines 55 – 60) and “driving the vehicle over at least one road” (i.e. abstract, lines 12 - 13), and “during the driving of the vehicle, simultaneously collecting image data with the image producing device” (i.e. col. 6, lines 27 - 65) and “analyzing the image data with an image processing means to put together or assemble a road or street section description, wherein the road or street section description obtained from the image data includes standing or parking space information, cycle lane information, lane quality information, building information or alternative lane guidance” (fig. 1, traffic computer and processor, col. 6, lines 26 – 37; Heimann et al discloses the camera installed in a vehicle for registering the traffic signs arranged in a road sections and crossings and junctions, by evaluating the image data. Hence, the traffic signs serve as “alternative lane guidance” as claimed. Note: claim 26 recites the above-mentioned limitations in the alternative. As a consequent, Heimann et al meets one of the recited limitations), and “correlating the vehicle position data and the road or street section description with a correlation means .....” reads on route data determining device since it utilizes GPS data to “correlate” the actual position of the vehicle for updating the digital map (col. 5, lines 23 – 35).

Regarding claims 30 and 37, Heimann '042 discloses, “comparing the road or street section data with pre-existing road or street data and updating .....” (i.e. col. 3, lines 18 – 20, and col. 6, lines 1 – 3).

Regarding claims 31 and 38, Heimann '042 discloses, "transmitting the data ..... " (i.e. fig. 2, data transmission section) and exchange of information" (i.e. col. 1, lines 20 – 22).

Regarding claims 39 - 40, Heimann '042 discloses, "image producing device comprises at least one camera" (col. 4, lines 37 – 38).

***Claim Rejections - 35 USC § 103***

5. following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 27 – 29, 32 – 36 and 41 - 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heimann '042 in view of Kawai et al (US 6,577,334).

Regarding claims 32 and 42, Heimann '042 teaches, "a method of producing road or street section data for a digital map and providing a vehicle with an image producing device, and generating image data of surroundings of the vehicle and position determining device for generating position of the vehicle and analyzing the image data and correlating the vehicle position data" (see claim 16). The additional limitation of "comparing the road or street section data with pre-existing road or street data ..... " as recited in claim 42 also read on Heimann et al (col. 3, lines 18 – 20, and col. 6, lines 1 – 3).

Heimann '042 fails to explicitly show "course of at least one road or street section relative to the vehicle ..... ". However such features are well known and used as

evidenced by Kawai '334 to accurately determine the lane position of a vehicle in a multi-lane highway system (figs. 9, 11a - 12c and 22). Therefore, taking the combined teaching of Heimann '042 and Kawai '334 as a whole, it would have been obvious to improve the image analyzing system of Heimann, by more particularly analyzing the collected information from the image to determine the course of at least one road or street section relative to the vehicle as suggested by Kawai.

Regarding claims 27 and 33, combination of Heimann '042 and Kawai '334 teaches "vehicle absolute position and orientation" (Kawai col. 6, lines 60 – 65).

Regarding claims 34 and 28, GPS inherently utilizes a predetermined coordinate system to determine the location of vehicle relative to the digital map. Hence, the GPS coordinate system is necessarily coincidence with the digital map. See also discussion in claim 27.

Regarding claim 35, the claimed limitations have been analyzed and rejected with respect to claim 26.

Regarding claims 36 and 29, the limitation "wherein the road or street section data includes a statement regarding a course of at least one road or street section in relation to the fixed first coordinate system" (col. 5, lines 39 – 54 of Kawai).

Regarding claim 41, Examiner takes Official Notice to note that "stereoscopic image-generating device" is notoriously well known and used in the art for the benefit of 3D imaging and/or to provide depth perspective. Therefore, it would have advantageous to utilize stereoscopic image generating device for such benefit.

Regarding claim 43, the limitation "communication means ....." (see Heimann, fig. 2, col. 1, lines 20 – 22 i.e., data transmission section and exchange of information).

Regarding claim 44, the claimed "interface" is inherently necessitated by the traffic processor 20 of Heimann to enable communication with other devices.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Behrooz Senfi** whose telephone number is **(571) 272-7339**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Mehrdad Dastouri** can be reached on **(571) 272-7418**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**Or faxed to:**

**(571) 273-8300**

Hand-delivered responses should be brought to Randolph Building, 401 Dulany Street, Alexandria, Va. 22314.

Any inquiry of a general nature or relative to the status of the application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

B. M. S.

**MULE**  
**PRIMARY EXAMINER**

